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EXAMINER

STIBLEY, MICHAEL R

ART UNIT

PAPER NUMBER

3688

NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/766,517	Applicant(s) ROBBINS ET AL.	
	Examiner MICHAEL R. STIBLEY	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14 and 18-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 18-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

1. Applicant's arguments of 07/28/2008 with respect to claims 1-8, 10-14 and 18-48 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not persuasive and thus, the current **Office Action has been made Final.**

DETAILED ACTION

2. This Office Action is in response to the amendments filed on 07/28/2008.

CLAIM STATUS

3. Claims 1-8, 10-14 and 18-48 are currently pending in the instant application and have been examined.

Claim Objections

4 **Claim 28, is objected to as** Claim 28 is a method claim depending from a system claim, namely Claim 27. Thus Claim 28 changes statutory class. Since the preamble of claim 27 recites a system, it is confusing that the preamble of Claim 28 recites a method. This change of statutory class renders claim 28 confusing. For purposes of Examination, Examiner will presume that Applicant intended Claim 28 to read "The system of claim 27...". Appropriate action is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-8, 10-14, 18-25, 28, 30, 32-36, 41 and 44-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As per Claims 1-8, 10-14, 18-25, 28, 30, 32-36, 41 and 44-48: Claims 1-8, 10-14, 18-25, 28, 30, 32-36, 41 and 44-48 are rejected under 35 U.S.C. 101 as drawn to a non-statutory subject matter. The claims (or at least independent claims 1, 32, 41, and 44 uncured by the dependent claims) are related to manual processes, which is not patentable. Indeed, the claims (e.g. claims 1, 32, 41, and 44) recite a process, which is not tied to another statutory class nor transform the underlying subject matter (such as an article or materials) to a different state or thing. See MPEP §2106.IV.B: Determine Whether the Claimed Invention Falls Within An Enumerated Statutory Category. See also the following U.S. Supreme Court cases: *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); and *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

Examiner suggests that Applicant incorporates computer architecture (hardware) into the body of the claims in a **non-nominal (ie. not insignificant extra-solution activity)** way so that the claim positively recites the other statutory class (the thing or product) to which it is tied, e.g., by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, e.g., the material being changed to a different state.

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Examiner further notes that the Diehr Court stated that “insignificant post-solution activity will not transform an unpatentable principle into a patentable process. 450 U.S. at 191-192.

Examiner further notes that The Court in Flook, 437 U.S. at 590 stated “The notion that post-solution activity, no matter how conventional or obvious in itself, can transform an unpatentable principle into a patentable process exalts form over substance.” Flook further outlines that the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. Further, the inherent step of gathering data can also fairly be characterized as insignificant extra-solution activity See Flook, 437 U.S. at 590.

Examiner further notes the publication of In re Bilski, 88 USPQ2d 1385. (decided October 30, 2008)

Examiner notes that Applicant may show that a process claim satisfies §101 either by showing that Applicant's claim is tied to a particular machine, or by showing that Applicant's claim transforms an article. See Benson, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First, as illustrated by Benson, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility. See Benson, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See Flook, 437 U.S. at 590.

Claim Rejections - 35 USC § 102

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7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-8, 10-14 and 18-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Peter M. Karas et al. (KARAS)(US 2002/0138363 A1).**

As per Claim 1: KARAS teaches: A method comprising: receiving from a first terminal, information indicating that one or more products have been pre-paid;

(See at least "...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system..."

¶20 see also "...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument..."

¶19;

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receiving, from the first terminal, a first unique identifier associated with an electronic wallet;

(See at least “...the user enters an e-mail address as the unique identifier for the account...” ¶61;)

adding the one or more pre-paid products to the electronic wallet;

(See at least “...the enabler interface produces the form web pages and information web pages to allow the user to create and maintain their account, transfer money, select electronic gifts, and learn to use the system...” ¶40;)

storing the electronic wallet information in a central database;

(See at least “...any account information on the sender and receiver is stored in the user database...” ¶43;)

receiving from the first terminal or a second terminal a second unique identifier and a request to redeem a second product;

(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51)

verifying that the second unique identifier matches the first unique identifier, and that the second product matches one of the one or more pre-paid products in the electronic wallet;

See at least “...To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51 see also ¶¶ 32, 57, see also Claim 5)

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and sending approval of redemption of the second product to enable a user to redeem the second product at the first or second terminal.

(See at least "...the receiver redeems the electronic gift after receiving it in the card..." ¶19 see also "...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled "redeem your gift certificate" that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account..." ¶51)

As per Claim 2: KARAS teaches: The method of claim 1 in which the one or more products comprise a specific item of a restaurant menu item.

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 3: KARAS teaches: The method of claim 1 in which the one or more products comprise a product associated with a specific stock keeping unit (SKU).

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 4: KARAS teaches: The method of claim 1 in which the one or more products comprise a family of items of a restaurant menu items.

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(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 5: KARAS teaches: The method of claim 1 in which the one or more products are associated with a family of SKU items.

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 6: KARAS teaches: The method of claim 1 in which the one or more products comprise a category of products.

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 7: KARAS teaches: The method of claim 6 in which the category of products comprise a plurality of families of products.

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 8: KARAS teaches: The method of claim 6 in which the category of products comprise a plurality of SKU items.

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

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As per Claim 10: KARAS teaches: The method of claim 1 further comprising sending to the second point-of-sale terminal a message showing the pre-paid products in the electronic wallet.

(See at least ¶19)

As per Claim 11: KARAS teaches: The method of claim 1 further comprising selecting one or more of the pre- paid products in the electronic wallet based on rules that specify which pre-paid products are redeemable at the time and the location of the second point-of-sale, and sending to the second point-of-sale terminal a message specifying the selected one or more pre-paid products that are redeemable.

(See at least ¶19)

As per Claim 12: KARAS teaches: The method of claim 1 further comprising adding a pre-paid dollar discount of an item to the electronic wallet.

(See at least ¶19)

As per Claim 13: KARAS teaches: The method of claim 1 further comprising adding a pre-paid dollar discount of a plurality of items to the electronic wallet.

(See at least ¶19)

As per Claim 14: KARAS teaches: The method of claim 1 further comprising adding a pre-paid percentage discount of an item or a plurality of items to the electronic wallet.

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(See at least ¶19)

As per Claim 18: KARAS teaches: The method of claim 1~ further comprising receiving messages indicating that the one or more pre-paid products have been added to a check, performing a check-level reconciliation, and automatically removing any products originally added that had not been paid for based on configurable rules

(See at least ¶19)

As per Claim 19: KARAS teaches: The method of claim 1 in which the first terminal comprises a point-of-sale (POS) terminal.

(See at least ¶20)

As per Claim 20: KARAS teaches: The method of claim 1 in which the first terminal comprises a remote network terminal.

(See at least ¶20)

As per Claim 21: KARAS teaches: The method of claim 1 in which the first terminal comprises a kiosk.

(See at least ¶20)

As per Claim 22: KARAS teaches: The method of claim 1 in which the unique identifier comprises a unique identifier of a loyalty card.

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(See at least ¶19)

As per Claim 23: KARAS teaches: The method of claim 1 in which the unique identifier comprises a unique identifier of a Personal Data Assistant (PDA) or mobile communication device.

(See at least ¶51)

As per Claim 24: KARAS teaches: The method of claim 1 in which the unique identifier comprises a unique identifier of a payment card.

(See at least ¶19)

As per Claim 25: KARAS teaches: The method of claim 1 in which the unique identifier comprises a unique identifier of a smart card.

(See at least ¶19)

As per Claim 26: KARAS teaches: A system comprising; a point-of-sale (POS) terminal comprising a POS database having information about products that are available for purchase or redemption at the POS terminal,

(See at least “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...”

¶20 see also “...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts

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could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument...

¶19;) see also (“...any account information on the sender and receiver is stored in the user database...” ¶43;)

a first user interface to enable a seller to enter information indicating that a customer has pre-paid one or more products and send messages to a central server to store the one or more products in an electronic wallet associated with the customer,

(See at least “...the enabler interface produces the form web pages and information web pages to allow the user to create and maintain their account, transfer money, select electronic gifts, and learn to use the system...” ¶40;) see also (“...any account information on the sender and receiver is stored in the user database...” ¶43;)

and a second user interface to receive messages from the central server indicating one or more pre-paid products in the electronic wallet that are redeemable by the customer.

(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...”

¶51)

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As per Claim 27: KARAS teaches: The system of claim 26 in which the POS terminal comprises rules for selecting one of a plurality of products in the POS database that corresponds to a pre-paid product in the electronic wallet when the pre-paid product represents a product category that corresponds to more than one product in the POS database.

See at least "...To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account..." ¶51 see also ¶¶ 32, 57, see also Claim 5)

As per Claim 28: KARAS teaches: The method of claim 27 in which the pre-paid product comprises an entree that corresponds to a plurality of items in a restaurant menu in the POS database.

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 29: KARAS teaches: The system of claim 26 in which the POS database comprises real-time rules for adding rewards to or removing rewards from the electronic wallet based on conditions at the time of transaction.

See at least "...To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account..." ¶51 see also ¶¶ 32, 57, see also Claim 5)

As per Claim 30: KARAS teaches: The method of claim 1 in which the one or more products comprise at least one of goods and services.

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(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 31: KARAS teaches: The system of claim 26 in which the one or more products comprise at least one of goods and services.

(See at least "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56)

As per Claim 32: KARAS teaches: A method comprising: receiving information indicating that a first product has been pre-paid, the first product representing a family of products;

(See at least "...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system..."

¶20 see also "...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument..."

¶19;)

receiving a first unique identifier; adding the first product to an electronic wallet associated with the first unique identifier;

(See at least "...the user enters an e-mail address as the unique identifier for the account..." ¶61;)

receiving a second unique identifier and a request to redeem a second product;

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(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51)

verifying that the second unique identifier matches the first unique identifier;

See at least “...To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51 see also ¶¶ 32, 57, see also Claim 5)

processing the request to redeem the second product using a set of rules to verify that the second product is within the family of products associated with the first product;

(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51)

and sending approval of redemption of the selected product.

(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target

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merchant would require the e-mail address for the eCard be used to configure an account...”

¶51)

As per Claim 33: KARAS teaches: The method of claim 32 in which the first product comprises a food category that comprises a family of specific food products.

(See at least “...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)...” ¶56)

As per Claim 34: KARAS teaches: The method of claim 32 in which the first product comprises a category of restaurant menu items that comprise a plurality of specific restaurant menu items.

(See at least “...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)...” ¶56)

As per Claim 35: KARAS teaches: The method of claim 34 in which the request to redeem the second product originates from a point-of-sale terminal at a restaurant.

(See at least “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...”

¶20

As per Claim 36: KARAS teaches: The method of claim 32 in which the set of rules is specific to at least one of a user who requests to redeem a product, a store where the request to redeem a

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product originates, a merchant associated a product to be redeemed, and a time when a request to redeem a product is made.

(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51) see also (“...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)...” ¶56) see also ¶67

As per Claim 37: KARAS teaches: A system comprising; a point-of-sale (POS) terminal comprising a user interface to enable a customer to redeem products in an electronic wallet associated with the customer,

(See at least “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...” ¶20 see also “...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument...” ¶19;) see also (“...any account information on the sender and receiver is stored in the user

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database...” ¶43;) see also (“...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51)

a POS database having information about a plurality of products that are available for redemption at the POS terminal, and rules about selecting a product from the plurality of products in response to a request to redeem a first product in the electronic wallet that corresponds to a plurality of specific products in the POS database,

(See at least “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...”

¶20 see also “...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument...”

¶19;) see also (“...any account information on the sender and receiver is stored in the user database...” ¶43;) see also (“...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To

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verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51)

and a processor to select a specific product in the POS database for redemption according to the rules.

(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...”

¶51) see also (“...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...” ¶20

As per Claim 38: KARAS teaches: The system of claim 37 in which the first product comprises a food category that corresponds to a family of specific food products.

(See at least “...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)...” ¶56)

As per Claim 39: KARAS teaches: The system of claim 37 in which the first product comprises a category of restaurant menu items that correspond to a plurality of specific restaurant menu items.

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(See at least “...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)...” ¶56)

As per Claim 40: KARAS teaches: The system of claim 37 in which the rules are specific to at least one of a user who requests to redeem a product, a store where the request to redeem a product originates, a merchant associated a product to be redeemed, and a time when a request to redeem a product is made.

(See at least “...the receiver redeems the electronic gift after receiving it in the card...” ¶19 see also “...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...” ¶51) see also (“...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)...” ¶56) see also ¶67

As per Claim 41: KARAS teaches: A method comprising: receiving, from a first restaurant point-of-sale terminal, an identifier associated with a customer and information about the customer's order;

(See at least “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...” ¶20 see also “...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts

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could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument...

¶19;) see also ("...the user enters an e-mail address as the unique identifier for the account..."

¶61;) see also ("...any account information on the sender and receiver is stored in the user database..." ¶43;)

storing in an account associated with the customer information about the customer's order;

See at least ("...any account information on the sender and receiver is stored in the user database..." ¶43;)

receiving, from a second restaurant point-of-sale terminal, the identifier associated with the customer and a request to retrieve the stored order;

(See at least "...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system..."

¶20 see also ("...the receiver redeems the electronic gift after receiving it in the card..." ¶19 see also "...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled "redeem your gift certificate" that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account..."

¶51)

and providing the stored order to the second restaurant point-of-sale terminal.

(See at least "...the receiver redeems the electronic gift after receiving it in the card..." ¶19 see also "...the screen may give all the information necessary for redeeming the electronic gift. For

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example, another button may be presented entitled “redeem your gift certificate” that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account...”

¶51) see also “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...”

¶20

As per Claim 42: KARAS teaches: A system comprising: a restaurant point-of-sale (POS) terminal comprising a POS database having information about menu items and modifiers or condiments associated with the menu items,

(See at least “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...”

¶20 see also “...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument...”

¶19;) (See also “...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s) [menu items from restaurant]...” ¶56) see also (“...any account information on the sender and receiver is stored in the user database...”

¶43;)

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a first user interface to enable an operator to store a restaurant order of a customer in an account associated with the customer, the stored restaurant order including specific menu items and modifiers or condiments associated the specific menu items;

(See at least "...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system..."

¶20 see also "...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument..."

¶19;) (See also "...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)..." ¶56) see also ("...any account information on the sender and receiver is stored in the user database..." ¶43;)

a second user interface to enable the operator to retrieve a stored restaurant order from the account associated with the customer, in which the retrieved restaurant order includes specific menu items and modifiers or condiments associated the specific menu items.

(See at least "...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system..."

¶20 see also "...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a

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gift certificate for one or more retailers, and a separately delivered negotiable instrument...”

¶19;) (See also “...the sender may specify a gift certificate where the money is limited to merchandise or services from specified retailer(s)...” ¶56) see also (“...any account information on the sender and receiver is stored in the user database...” ¶43;)

As per Claim 43: KARAS teaches: The system of claim 42 in which the stored restaurant order retrieved by the second user interface was entered into the account through a second restaurant POS terminal, the first and second POS terminals belonging to different restaurants.

(See at least ¶20)

As per Claim 44: KARAS teaches: A method of operating a stored product card, comprising: receiving a unique identifier associated with a card and information indicating that one or more products have been pre-paid;

(See at least “...Respective computers interface the sender and receiver to the Internet or other wide area network such that they can interact with the eCard site and money transfer system...”

¶20 see also “...A sender of the eCard can select the electronic gift during the eCard creation process. The receiver redeems the electronic gift after receiving it in the card. Electronic gifts could include a credit in a stored value fund, a foreign currency credit in the stored value fund, a prepaid credit or debit card, a prepaid phone card, promotional points, airline mileage credits, a gift certificate for one or more retailers, and a separately delivered negotiable instrument...”

¶19;) see also (See at least “...the user enters an e-mail address as the unique identifier for the account...” ¶61;)

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receiving a request to add the one or more pre-paid products to an electronic wallet associated with the card;

(See at least "...the enabler interface produces the form web pages and information web pages to allow the user to create and maintain their account, transfer money, select electronic gifts, and learn to use the system..." ¶40;)

receiving the unique identifier and a request to redeem a second product;

(See at least "...the receiver redeems the electronic gift after receiving it in the card..." ¶19 see also "...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled "redeem your gift certificate" that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account..." ¶51)

verifying that the second product matches one of the one or more pre-paid products in the electronic wallet;

See at least "...To verify identity, the target merchant would require the e-mail address for the eCard be used to configure an account..." ¶51 see also ¶¶ 32, 57, see also Claim 5)

and sending approval of redemption of the second product to enable a user to redeem the second product.

(See at least "...the receiver redeems the electronic gift after receiving it in the card..." ¶19 see also "...the screen may give all the information necessary for redeeming the electronic gift. For example, another button may be presented entitled "redeem your gift certificate" that would forward the user to the target merchant(s) for the gift certificate. To verify identity, the target

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merchant would require the e-mail address for the eCard be used to configure an account...”

¶51)

As per Claim 45: KARAS teaches: The method of claim 44 in which the request to add the one or more pre- paid products to the electronic wallet is sent from a point-of-sale terminal.

(See at least ¶20)

As per Claim 46: KARAS teaches: The method of claim 1, further comprising transferring money from a first legal entity that owns the first terminal to a second legal entity that owns the second terminal based on a preset value for each type of pre-paid item when the second unique identifier and the request to redeem the second product are received by the second terminal, wherein the first and second legal entities are two different legal entities of a franchised organization.

(See at least ¶23)

As per Claim 47: KARAS teaches: The method of claim 1, further comprising transferring money from a first legal entity that owns the first terminal to a second legal entity that owns the second terminal based on an actual value or a percentage of the actual value of the redeemed product when the second unique identifier and the request to redeem the second product are received by the second terminal, wherein the first and second legal entities are two different legal entities of a franchised organization.

(See at least ¶23)

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As per Claim 48: KARAS teaches: The method of claim 1, further comprising receiving messages indicating that the one or more pre-paid products have been added to a check, and performing a check-level reconciliation to confirm that the check has been paid

(See at least ¶19)

Conclusion

9. **THIS ACTION IS MADE FINAL** See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hernblad (US 2004/0054592) provides for “Customer Based Wireless Ordering and Payment System for Food Service Establishments Using Terminals and Mobile Devices”.

Elston et al (US 2002/0143655 A1) provides for “Remote Ordering System for Mobile Commerce.”

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Eggleston et al (US 6,061,660) provides for “System and Method for Incentive Programs and Award Fulfillment.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. STIBLEY whose telephone number is (571) 270-3612. The examiner can normally be reached on Monday-Friday 9 a.m.-5 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, JAMES W. MYHRE can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL R. STIBLEY/
Examiner, Art Unit 3688
Monday, December 01, 2008

/Jean Janvier/
Primary Examiner, Art Unit 3688